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Advisory Action

(Continuation of PTOL-303)

Applicant presents two arguments: first, that the microtip of *Gorecki* is not the "lens" as claimed, and second, that it is improper to combine the SNOM microscope of *Gorecki* with the confocal microscope of *Narusé* to reproduce the claimed confocal microscope.

First, regarding the "lens", it is respectfully submitted that since light is transmitted through the non-planar microtip, it is inherently a "lens" even if it does not have the classical lenticular shape as shown in figures 3, 5, and 6 of the present application.

Next, regarding the alleged improper combination, it is respectfully submitted that it was known in the art the time of the invention to use a VCSEL laser for both confocal and SNOM applications. See for example Göhde et al., "A Low Temperature Scanning Confocal and Near-Field Optical Microscope" (June 1997), describing a microscope which can be set up with interchangeable tips either for confocal or SNOM operation.

It is noted that Applicant states, but does not claim, that a difference between the present invention and *Gorecki* is that in SNOM systems like *Gorecki*, the microtip is placed at the nanometer scale from the objective, whereas in VCSEL systems like the present invention, the lens is places at the micrometer to millimeter scale from the

objective. If placed in the claims, this limitation would overcome the Goreck reference as prior art.

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621